



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NATIONSTAR MORTGAGE, LLC, et  
al.,

Plaintiffs,

v.

CAESAR MORALES, HUGO MORALES,  
MARIA RODRIGUEZ, JUAN MORALES,  
and DOES 1 to 100, Inclusive,

Defendants.

Case No. CV 14-01559 (SS)

**ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

Defendant Maria Rodriguez ("Defendant"), having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed.

1 To prevent the action from remaining in jurisdictional  
2 limbo, the Court issues this Order to remand the action to state  
3 court.

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5 Defendant appears to assert that removal is proper based  
6 upon diversity jurisdiction because she is a citizen of Mexico.  
7 She also alleges that she does not reside in California. (Notice  
8 at 3). The Court notes that Defendant Maria Rodriguez identifies  
9 her own address on her pleadings as the California address at  
10 issue in the unlawful detainer action. Even if Defendant  
11 Rodriguez does not reside in California, however, she has failed  
12 to show that diversity jurisdiction exists here.

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14 Diversity jurisdiction requires that each plaintiff be  
15 diverse from each defendant. Exxon Mobil Corp v. Allapattah  
16 Servs., Inc., 545 U.S. 546, 553 (2005). There is no evidence  
17 that Defendant Rodriguez's co-defendants are also diverse from  
18 Plaintiff, a California limited liability company. Plaintiff's  
19 unlawful detainer complaint demonstrates that complete diversity  
20 does not exist between Plaintiff and Defendants, as it appears  
21 that some or all of Defendants reside at Plaintiff's Pacoima,  
22 California property. (Notice, Ex. A at 3-4). Accordingly,  
23 remand to state court is proper. See, e.g., Hill v. Roller, 615  
24 F.2d 886, 889 (9th Cir. 1980) (diversity jurisdiction is analyzed  
25 based on the pleadings at the time the action is filed).

26  
27 Finally, Defendant's Notice of Removal makes passing  
28 reference to the Equal Protection and Due Process Clauses of the

1 Fourteenth Amendment. (Notice at 4). However, this unlawful  
2 detainer action does not raise any federal legal question. Thus,  
3 removal is improper because this action could not have been  
4 brought in federal court in the first place.

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6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED  
7 to the Superior Court of California, County of Los Angeles, North  
8 Valley District, 9425 Penfield Ave., Chatsworth, CA 91311, for  
9 lack of subject matter jurisdiction pursuant to 28 U.S.C.  
10 § 1447(c); (2) the Clerk send a certified copy of this Order to  
11 the state court; and (3) the Clerk serve copies of this Order on  
12 the parties.

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14 IT IS SO ORDERED

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16 DATED: April 4, 2014

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20 GEORGE H. KING  
21 CHIEF UNITED STATES DISTRICT JUDGE  
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